

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA :
v. : **CRIMINAL NO. 06-229-M**
RODNEY HICKS :

GOVERNMENT'S MOTION FOR PRETRIAL DETENTION

Defendant RODNEY HICKS is a repeat offender who is an extreme danger to the community. The nature and circumstances of the crime for which he stands charged demonstrates the danger he presents to the entire community. Because no condition or combination of conditions will reasonably assure the defendant's appearance as required and/or the safety of the community, the government moves pursuant to 18 U.S.C. §§ 3142(e) and (f) for a detention hearing and pretrial detention of the defendant.

I. THE FACTS

On December 16, 2005, the defendant, RODNEY HICKS entered the Wachovia Bank located in the Cheltenham Square shopping center and demanded money from the teller by handing her two notes, informing her that he had a gun. The teller handed HICKS a bag with \$970 in U.S. currency and a dye pack from her teller drawer. HICKS fled the bank, and shortly afterward the dye pack exploded. Cheltenham Police quickly apprehended HICKS and placed him under arrest. At the time of his arrest, HICKS' hands and pants pockets were stained with dye from the exploded dye pack. Police recovered the money from the scene. HICKS was positively identified by the Wachovia Bank teller as the person who had committed the robbery. He was also identified by another eyewitness as he attempted to flee the bank.

Upon arriving at police headquarters, HICKS waived his Miranda rights and gave a lengthy statement to Cheltenham Police and the FBI, inculpating himself in the robbery of the Wachovia Bank and in numerous other bank fraud, check cashing and money laundering schemes.

II. PROBABLE CAUSE AND THE EVIDENCE IN THIS CASE

A. The evidence in this case is strong and includes eyewitness identifications of the defendant during the robbery and attempted getaway.

B. The defendant was also apprehended within minutes of the robbery, with his hands covered in dye from the exploded dye pack.

C. The person who drove HICKS to Wachovia Bank gave a statement to police, claiming that the defendant had hired him to drive him to the bank that day.

D. Defendant confessed to law enforcement that he committed the bank robbery.

III. MAXIMUM PENALTIES

The total maximum penalty defendant HICKS faces is 20 years imprisonment, \$250,000 in fines, 3 years of supervised release, and a \$100 special assessment. His sentencing guidelines call for 57 to 71 months incarceration.

IV. CRIMINAL HISTORY

RODNEY HICKS is a 28 year old male, born on 10-21-77. He has been arrested 5 times as an adult, and was currently on probation at the time that he committed this bank robbery. His criminal record is as follows:

Arrest Criminal Charge
3/12/95 (Philadelphia) Convicted of Conspiracy and Robbery, and sentenced
 to 1 to 4 years incarceration, followed by 5 years probation.

V. OTHER CONSIDERATIONS

Defendant HICKS has implicated himself in his statement to law enforcement in numerous other criminal offenses involving bank fraud, check cashing schemes and money laundering schemes. All of these offenses were committed by HICKS while on probation.

VI. CONCLUSION

When all these factors are viewed in light of the maximum sentence of 20 years imprisonment defendant faces if convicted, it is clear that no condition or combination of conditions will reasonably assure the presence of the defendant or the safety of the community.

WHEREFORE, the government respectfully submits that its Motion for Defendant's Pretrial Detention should be granted.

Respectfully submitted,

PATRICK L. MEEHAN
United States Attorney

MICHELLE T. ROTELLA
Assistant United States Attorney

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CRIM. NO. 06-229-M

RODNEY HICKS

:

PRETRIAL DETENTION ORDER

AND NOW, this day of April, 2006, after an evidentiary hearing and argument of counsel for the government and the defendant, the Court finds that:

- (a) the government has proved by a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required; and
- (b) the government has proved by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of other persons and the community, as required by Title 18, United States Code, Section 3142(e) and (f).

The Court makes the following findings of fact:

This case is appropriate for detention under Title 18, United States Code, Section 3142(e) and (f) because:

- (1) There is probable cause to believe that the defendant has violated 18 U.S.C. §§ 2113(a), as outlined in the complaint filed on March 6, 2006.
- (2) The evidence in this case is strong, and includes a positive identification of

the defendant by the victim teller, physical evidence from the robbery, namely the dye from the exploded dye pack found on the defendant as he was attempting to flee, a statement from the person who drove the defendant that places HICKS in Wachovia Bank, and a confession by defendant HICKS that he did in fact commit this bank robbery.

(3) The total maximum penalty defendant HICKS faces is twenty years imprisonment, and his sentencing guidelines call for a term of 57 to 71 months. Accordingly, the defendant has a substantial incentive to flee.

(4) Defendant is a danger to the community:

- (a) He has implicated himself in numerous other crimes
- (b) He was convicted of robbery and sentenced to state prison in 1995
- (c) He was serving a probationary sentence and under the supervision of the court when he committed this offense.

(5) The strength and nature of the case against the defendant, combined with the fact that the defendant will be incarcerated for a substantial period of time, establishes the defendant's danger to the community and increases the high risk that the defendant will not appear as required by the Court.

Therefore, IT IS ORDERED that the defendant be committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; that the defendant be afforded reasonable opportunity for private consultation with counsel; and that, on order of a Court of the United States, or on request of an attorney for the government, the person in charge

of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

BY THE COURT:

HONORABLE CAROL SANDRA MOORE WELLS
United States Magistrate Judge

CERTIFICATE OF SERVICE

I certify that a copy of the Government's Motion for Pretrial Detention, and Proposed Order was served by facsimile and hand delivery on the following defense counsel:

Kenneth Edelin
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MICHELLE T. ROTELLA
Assistant United States Attorney

Date: _____